

Michael A. Guy

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June 12, 2005

Rep. J. Stakoe, Rep. K. Elsenheimer, Rep. W. VanRegenmorter,
Rep. D. Robertson, Rep. N. Nitz, Rep. R. Baxter, Rep. T. Schuitmaker,
Rep. S. Tobocman, Rep. F. Accavitti, Rep. M. Donigan, Rep. A. Vagnozzi,
Rep. D. Acciavatti, Rep. J. Garfield, Rep. J. Hune, Rep. R. Shaffer,
Rep. J. Pastor, Rep. B. Palmer, Rep. L. Mortimer

cc. Rep. C. DeRoche, Rep. D. Byrum, Rep. A. Meisner, Rep. M. Waters,
Rep. M. Sak, Rep. C. Ward, Rep. D. Hildenbrand, Rep. C. Phillips,
Rep. F. Amos, Mr. G. Randall, Ms. L. Benedict

Re: House Bill No. 4576

Dear Sir/Ms:

I am writing in support of HB 4576, which is scheduled to be discussed at the Committee of Local Government and Urban Policy meeting on June 15, 2005. This legislation supports Michigan case law and all court rulings at the local, Appellate and Supreme Court levels. It would preserve every person's right to use public road ends terminating at our lakes and streams on an equal and unobstructed basis. I am unable to that now, and I would like to convey my personal experience. If I could attend the meeting, I would gladly offer testimony, and hope you will accept this letter as such. I will send 50 copies, properly formatted and signed, to Ms. Jean Hamelin, the Committee Clerk. This email is to provide information for your review earlier.

I have spent many weeks boating on Higgins Lake every year since 1954, and know every part very well. I do not own property and have no vested interests. I simply vacation there, and use the road ends to launch my boats. There are perhaps 75 public road ends around the lake. Each of these public access points has one or two private docks with as many as 50 or more boat hoists. Functionally, they are private marinas which eliminate access from the sides and adequate room for boat maneuvering. There are also safety and health issues.

The public road end I normally use is typical. It has two private docks extending into the water with 30-40 boat hoists on their outer edges, which block all side access and leave a strip of open water about 30 feet wide. However, those keeping their boats on these hoists often moor them between uses to the inside of the docks. That can reduce the open water space by half making powerboat operation difficult and sailing to, from or near the launch area impossible. When I launch my sailboat I must walk it out past the two lines of boat hoists. The water there is chest-high and I am 6'3". You can imagine how difficult it is for others - especially when they must avoid moving or moored boats. The problem is compounded by people who use this narrow strip of water for social activities, and do not pay attention to cars, trailers or boat traffic. I have seen people nearly run-over by boat trailers, because the tow vehicle's driver could not see them. I have seen others run

from a boat about to hit them or grab small children that are in danger. These near-misses are accidents waiting to happen.

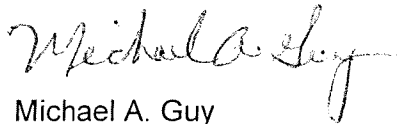
I have witnessed illegal and unsafe boating activities for many years at these sites. One night last summer at about 11:00 p.m. people keeping a personal watercraft on a hoist went waterskiing using a flashlight for illumination. Personal watercraft do not have running lights, and it is illegal to operate one at night. I have seen other equally dangerous situations.

These public road ends do not have sanitary facilities or trash removal, as they were designed to be access points for ingress and egress, not private marinas. I have seen bottles, cans, bags, wrappers, shampoo bottles, clothing, toys, etc. thrown about and left. I have often heard parents discussing how they trained their children to "go in the lake," as they do. There is an on-going problem with unauthorized people holding evening parties on unattended boats, because there is no security. Then there are the used condoms. I can appreciate the romance of sex by the water, but some participants seem reluctant to dispose of their condoms elsewhere.

The practice of appropriating public road ends for private use is wide-spread at Higgins Lake. I understand it is occurring at Houghton and some other inland lakes, but not to the same degree. I visit other Michigan lakes and have not seen any with this problem. House Bill 4576 will ensure that these public road ends remain open and unobstructed so all of Michigan's citizens and visitors can use them equally. It will also provide a uniform practice throughout the State. Another proposed solution has been to transfer control of these public resources to local governments for the specific purpose of allowing court prohibited activities. That is grossly unfair to Michigan's citizens and tourists and impractical for several reasons. One, it would nullify Michigan case law and many court rulings which have determined that local governments can regulate the road itself, but not the water extending from it, as the water is a Michigan public resource. Two, it would transfer jurisdiction and control of State resources to local entities that could create their own regulations. That would be chaotic, as people visiting a new body of water would need to learn new regulations. Three, local governments would be creating a small class of people with special privileges at public sites that are unavailable to the rest of society. Four, many local governments do not have the structure, personnel or funds to manage these road ends, provide trash removal, emergency and sanitary services, security, etc. Five, legal liability is a major issue. When someone is injured, a lawsuit is inevitable, and a successful one could bankrupt many townships.

I urge you to move HB 4576 out of Committee intact. Everyone should have the right to enjoy our lakes and streams equally, and this legislation ensures that we and our children will now and in the future.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael A. Guy".

Michael A. Guy